

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 20TH POUSHA, 1928

Crl.Rev.Pet.No. 4500 of 2006()

CRA.88/2005 of SESSIONS COURT, PALAKKAD
ST.2282/2003 of JUDL. MAGISTRATE OF FIRST
CLASS COURT-I, PALAKKAD
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REVN. PETITIONER: APPELLANT/ACCUSED

C.V.JOSE, S/O.C.P.VARKEY,
CHATHANKANDATHIL, MARKET P.O.,
MUVATTUPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.S.ARUN RAJ

RESPONDENTS: COMPLAINANT AND STATE

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1. M/S.PREMIER AGRO PRODUCTS (P) LTD.,
KINASSERY P.O., PALAGHAT,
REP. BY ITS MANAGER.
 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.JACOB SEBASTIAN
BY PUBLIC PROSECUTOR SHRI SURESH, R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 4500 OF 2006

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Dated this the 4th day of January, 2007

ORDER

Heard. Admitted. Advocate shri Jacob Sebastian took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by both parties.

2. Revision Petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act by the Judicial First Class Magistrate No.I in S.T. No.2282 of 2003. Conviction and sentence were confirmed in appeal by Sessions Judge, Palakkad in Crl.Appeal No.88 of 2005. Challenging those concurrent findings, this Criminal Revision Petition is filed.

3. It is submitted by counsel on both sides that matter is settled out court. Parties have filed Crl.M.A. No.124 of 2007 for compounding the offence. Today, I have allowed that application. In the circumstances, this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Criminal Procedure Code.

K. PADMANABHAN NAIR, JUDGE.

K. PADMANABHAN NAIR, J.

CRL. R.P. NO.

ORDER

JANUARY, 2007